THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.3655 OF 2005

Dated: 17-11-2005

Between

Chikoti Ramulu, S/o. Late Kistaiah, Occupation: Business, R/o. H.No.3-4-22/25/A, Dr. Bhoomanna Marg, Lingampalli, Hyderabad – 500 027.

…PETITIONER

AND

The Andhra Pradesh Wakf Board represented by its Chief Executive Officer, Public Gardens, Nampally, Hyderabad and others.

…RESPONDENTS

ORDER:

This writ petition is filed seeking a Writ of Certiorari calling for records including the impugned proceedings contained in F.No.R2/10/Rent/CII/96, dated 13.11.2003 of the first respondent as illegal, arbitrary and discriminatory.

Petitioner is the tenant of the Wakf property viz., Darga Hazrat Wajeeddin, Gowliguda, Hyderabad, which is a registered and notified Wakf property. It is the case of the petitioner that he is in occupation of the premises bearing No.15-4-59 admeasuring 144 square feet area since 1960 at a monthly rent of Rs.30/-. In the year 1972 the rent was further enhanced to a nominal sum of Rs.45/-. But for the first time by proceedings dated 08.11.2002 the rent for the said premises was fixed at the rate of Rs.3,000/- per month with effect from 01.04.1996 along with Rs.50,000/- as non-refundable deposit.

In view of a representation dated 30.06.2003 of the petitioner, the first respondent passed proceedings dated 13.11.2003 stating that the monthly rent for the premises is reduced from Rs.3,000/- per month to Rs.1,800/- per month. However, the effective date 01-04-1996 and the non-refundable deposit of Rs.50,000/- was not changed.

The petitioner submits that in respect of the tenants who are similarly situated, a very nominal rent has been fixed.

The respondents have arbitrarily and erroneously fixed the excess rent payable by the petitioner. Therefore, the said action of the respondents is illegal and indiscriminate.

However, an effective alternative remedy is available to the petitioner under Section 83 of the Wakf Act, 1955.

The writ petition is disposed of directing the petitioner to avail the alterative remedy of filing an application along with an application for appropriate interim relief before the Wakf Tribunal within four weeks from the date of receipt of this order. The impugned proceedings shall be kept in abeyance for a period of eight weeks so as to enable the petitioner to avail the alternative remedy.

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V. ESWARAIAH, J

November 17, 2005

Note: Furnish copy in two days

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